



Entered on Docket
December 09, 2008

Hon. Linda B. Riegler
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

JOINTLY ADMINISTERED
Chapter 11 Cases

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

Judge Linda B. Riegler

In re:
USA SECURITIES, LLC,

Debtor.

Adv. 08-1164

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER APPROVING
SETTLEMENT WITH
BEADLE, MCBRIDE, EVANS &
REEVES, LLP, ET AL.**

1 USACM LIQUIDATING TRUST; and
2 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
3 LLC;

4 Plaintiffs,

5 v.

6 BEADLE, MCBRIDE, EVANS & REEVES, LLP,
7 REEVES, EVANS, MCBRIDE & ZHANG, LLP, TG
8 MCBRIDE CPA LTD., and T. GARTH MCBRIDE,

9 Defendants.

10 On December 8, 2008 this Court held a hearing on the *Application to Compromise and Settle*
11 *Controversies with Beadle, McBride, Evans & Reeves, LLP, et al.* (the “Motion”) filed by Geoffrey
12 Berman (“Berman” or the “Trustee”), Trustee of the USACM Liquidating Trust (the “USACM Trust”) and
13 Michael Tucker (“Tucker” or the “Manager”), Manager of the USA Capital Diversified Trust Deed Fund,
14 LLC (“DTDF”). The Motion requested: (1) an Order Approving Settlement, and (2) for an Order pursuant
15 to Nevada Revised Statute §17.245, et seq. barring claims against Beadle, McBride, Evans & Reeves, LLP
16 Reeves, Evans, McBride & Zhang, LLP, TG McBride CPA Ltd., and T. Garth McBride (collectively,
17 “BMER”) for indemnity and/or contribution. The relief requested is hereby GRANTED IN PART AND
18 DENIED IN PART.

19 Pursuant to the Motion and as set forth in the separate Findings of Fact and Conclusions of Law
20 entered pursuant to Bankruptcy Rules of Procedure 9014 and 7052, and Federal Rule of Civil Procedure 52,
21 this Court GRANTS the following relief:

22 1. The Settlement Agreement, Mutual Release, and Covenants dated July 18, 2008 between
23 the Trustee, the USACM Trust, the Manager, DTDF, and BMER (the “Settlement Agreement”) is
approved pursuant to Federal Rule of Bankruptcy Procedure 9019.

1 2. This Court shall retain jurisdiction to interpret and enforce the terms of the Settlement
2 Agreement and this Order Approving Settlement.

3 All other relief requested, including the request for a bar order pursuant to NRS § 17.245, is
4 DENIED.

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

_____ The court has waived the requirement of approval under LR 9021

_____ No parties appeared or filed written objections, and there is no trustee appointed in the case.

 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or filed to respond to the document.]

Approved Timothy R. O'Reilly /s/ Timothy O'Reilly

Approved Gary P. Sinkeldam /s/ Gary P. Sinkeldam

DATED: December 9, 2008

 /s/ P. Jason Collins
P. Jason Collins

*Counsel for USACM Liquidating Trust and
USA Capital Diversified Trust Deed Fund, LLC*

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